

Message Text

LIMITED OFFICIAL USE

PAGE 01 TOKYO 11508 070644Z

16

ACTION EA-14

INFO OCT-01 ISO-00 CIAE-00 PM-07 H-03 INR-10 L-03 NSAE-00

NSC-10 PA-03 RSC-01 PRS-01 SS-15 USIA-15 DPW-01 IO-13

AID-20 OMB-01 RSR-01 /119 W
----- 029735

P R 070556Z SEP 73

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC PRIORITY 6560

INFO AMCONSUL SAPPORO

DOD WASHDC

CINCPAC HONOLULU HI

COMUSJAPAN FUCHU JAPAN

LIMITED OFFICIAL USE TOKYO 11508

CINCPAC FOR POLAD

E.O. 11652: NA

TAGS: PGOV MARR JA

SUBJECT: NAGANUMA COURT CASE

REF: SAPPORO 0040

SUMMARY: SAPPORO DISTRICT COURT SEPTEMBER 7 ISSUED
RULING IN NAGANUMA CASE IN WHICH JSDF FOUND CONSTITUTIONALLY
ILLEGAL. PRACTICAL EFFECT OF DECISION EXPECTED BE
SMALL SINCE DECISION CERTAINLY WILL BE APPEALED, AND
SUPREME COURT EXPECTED TO UPHOLD CONSTITUTIONALITY OF
JSDF. NEVERTHELESS, PUBLIC DEBATE UNDOUBTEDLY TO BE
SPARKED BY DECISION WILL HAVE RAMIFICATIONS IN DIET,
WHERE TWO JDA BILLS NOW UNDER CONSIDERATION. END SUMMARY.

1. DURING MORNING SEPTEMBER 7 SAPPORO DISTRICT COURT
ISSUED JUDGMENT FINDING IN FAVOR OF PLAINTIFFS AGAINST
AGRICULTURAL AND FORESTRY MINISTRY, WHICH PREVIOUSLY
HAD ALLOWED SELF-DEFENSE FORCES TO USE PORTION OF
NATIONAL FOREST FOR MILITARY FACILITIES. EMBASSY
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 TOKYO 11508 070644Z

REPEATING TO DEPARTMENT SAPPORO 0040, WHICH PROVIDES

EXCELLENT ADDITIONAL BACKGROUND.

2. WHILE DECISION EXPECTED HAVE NO DIRECT IMPACT ON SELF-DEFENSE FORCES, EXCEPT FOR TEMPORARY MORALE IMPACT, COURT OPINION ALMOST CERTAINLY WILL REKINDLE PUBLIC DEBATE ABOUT CONSTITUTIONALITY OF JSDF AND INTERPRETATION OF ARTICLE 9 OF CONSTITUTION. TIMING OF COURT OPINION COULD NOT BE WORSE FROM STANDPOINT OF GOJ SINCE DIET HAD SCHEDULED ADDITIONAL DEBATE ON TWO PENDING JDA BILLS FOR SEPTEMBER 7. COURT JUDGMENT AND RATIONALE OF JUDGE FUKUSHIMA WILL CAUSE DIET DEBATE ON BILLS TO BE EVEN MORE CHAOTIC THAN USUAL.

3. IN PREPARATION FOR EXPECTED DECISION, JDA HAS PRODUCED TWO BROCHURES; ONE ON INTERPRETATION OF ARTICLE 9, AND ANOTHER ON CHRONOLOGY OF NAGANUMA CASE. EMBASSY WORKING ON TRANSLATIONS OF BOTH BROCHURES AND WILL POUCH THEM TO INTERESTED ADDRESSEES.
SHOESMITH

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: FORESTRY, LAND, MILITARY BASES, PROVINCIAL COURTS
Control Number: n/a
Copy: SINGLE
Draft Date: 07 SEP 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973TOKYO11508
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: TOKYO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730947/aaaabirr.tel
Line Count: 80
Locator: TEXT ON-LINE
Office: ACTION EA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: SAPPORO 0040
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 13 NOV 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <13-Nov-2001 by elyme>; APPROVED <18-Dec-2001 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: NAGANUMA COURT CASE
TAGS: PGOV, MARR, JA
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005